

1 Q I notice that under recruitment that there is
2 different language stated in the 1982 --
3 MR. GOTTFRIED: This is not the right one to use.
4 MR. ZAUNER: I'm sorry.
5 MS. SCHMELTZER: There was, there's an '83 one.
6 MR. GOTTFRIED: There's an '83 --
7 MS. SCHMELTZER: Actually, I think it's in
8 Mr. Honig's exhibits.
9 MR. GOTTFRIED: And it's also in --
10 JUDGE STEINBERG: No, because it's the one that I
11 used.
12 MR. GOTTFRIED: It's in ours. It's in ours.
13 JUDGE STEINBERG: Yeah, it's the one that I used.
14 It's -- probably it's in Ms. Cranberg's.
15 MR. ZAUNER: Ms. Cranberg's?
16 JUDGE STEINBERG: Because it's the one that I used
17 before Mr. Honig's exhibits were even identified.
18 MR. GOTTFRIED: It's Cranberg Attachment 5, pages 3
19 to, 3 to 6.
20 JUDGE STEINBERG: Yeah, it's on page 4, the
21 recruitment section. Okay. So, let, let the record reflect
22 that what the witness has in front of him is Church Exhibit 8,
23 Attachment 5, page -- do you have page 4 in front of you,
24 Mr. Stortz?
25 WITNESS: Yes.

1 JUDGE STEINBERG: And Church Exhibit 4,
2 Attachment 16, page 7. Is that correct?

3 WITNESS: Right.

4 JUDGE STEINBERG: Okay.

5 BY MR. ZAUNER:

6 Q Let me call your attention to the sections under
7 recruitment, section four, at the top of the page of, of both
8 of those documents. I notice in the 1989 renewal application
9 the language is somewhat different than the language contained
10 in the -- I guess in the '82 renewal application.

11 MR. ZAUNER: May I have one moment, Your Honor?

12 JUDGE STEINBERG: We have to call these things
13 something because you just said '82 application --

14 MR. ZAUNER: Yeah, I think what's --

15 JUDGE STEINBERG: -- and this is -- why don't we
16 call it Attachment 5 and Attachment 16 and we'll all know
17 Attachment 5 is from Exhibit 8 and Attachment 16 is from
18 Exhibit 4?

19 BY MR. ZAUNER:

20 Q Let me call your attention to the language at the
21 top of Exhibit 8, Attachment 5, page 3 and I'm going to ask
22 you to compare that to the language at the top of Church
23 Exhibit 4, Attachment 16, page 7.

24 JUDGE STEINBERG: And then you got the wrong page on
25 Attachment 8 -- I mean on Attachment 5, Exhibit 8. You're

1 talking about the recruitment sections?

2 MR. ZAUNER: The recruitment.

3 JUDGE STEINBERG: Okay.

4 MR. ZAUNER: I'm sorry, page 3, I meant page 4.

5 JUDGE STEINBERG: Okay. He's got the two things in
6 front of him and he's got the right pages, believe me. Trust
7 me.

8 BY MR. ZAUNER:

9 Q My question is, I notice that the, the language in
10 these two recruitment statements are different. Can you tell
11 us how or why the language was changed from the language that
12 appears in Church Exhibit 8, Attachment 5?

13 A I'm presuming that the -- the first line of the
14 Church Exhibit 8 one was deleted and that the information in
15 parenthesis would have been not correct for the subsequent
16 one. The -- looks like the other change is we contact the
17 various employment services, actively seeking female and
18 minority referrals. That's kind of a minor change. That's
19 something that we had done right prior to this being written.

20 JUDGE STEINBERG: Which this?

21 WITNESS: The latest one.

22 JUDGE STEINBERG: Okay. That's Attachment 16,
23 page 7?

24 WITNESS: 16, correct.

25 BY MR. ZAUNER:

1 Q Did you --

2 MS. SCHMELTZER: May I make a statement for the
3 record if the witness is -- have you finished?

4 WITNESS: Yes.

5 MS. SCHMELTZER: We have the form that was used in
6 September '89 in the record as a church exhibit. It appears
7 to me that the FCC form changed between '83 and '89 because
8 there are elements on the form filed in '89 that are not on
9 the '83 form. I just wanted to say that for the record. And
10 believe that for instance complaints, I think it was part of
11 the 1987 report an order that required that to be reported and
12 there's some other elements that are on the form as, as it was
13 filed in '89 that just aren't on the previous form. I think
14 that's because there was a change in forms but I don't have
15 the earlier form.

16 BY MR. ZAUNER:

17 Q I don't think my questions are going to really
18 involve that. My question is going to be, did -- were you
19 involved in writing or rewriting what eventually became the
20 recruitment statement that's in Attachment 16, the latest one?

21 A I was involved, I was involved with our attorney at
22 the time and our business in coordinating an effort to
23 accomplish this, yes.

24 Q You indicate in the 1989 renewal application that
25 when vacancies occurred it was the policy of KFUE and KFUE-FM

1 to seek out qualified minority and female applicants. Was
2 this true throughout the license period -- the license renewal
3 period?

4 A When positions were advertised -- we felt it was
5 available to any minority or female applications, yes.

6 Q Did you actually seek out qualified minority and
7 female applicants?

8 A We did toward the end of the license period, yes.

9 Q Your next sentence indicates, "We deal only with
10 employment services including state employment agencies which
11 refer job candidates without regard to their race, color,
12 religion, national origin or sex." Is that a true statement?

13 A To the best of my knowledge it is, yes.

14 MR. GOTTFRIED: Which one is he reading? I think
15 you read the wrong one. Are you reading the '83 --

16 MS. SCHMELTZER: Which form were you using?

17 MR. ZAUNER: I'm reading the --

18 JUDGE STEINBERG: Page 7.

19 MR. ZAUNER: Page 7.

20 JUDGE STEINBERG: Second sentence.

21 BY MR. ZAUNER:

22 Q Second sentence. What do you mean there when you
23 say, "We deal only with employment services"? Isn't it a fact
24 that the station employed people from sources other than
25 employment services during the license term?

1 MS. SCHMELTZER: I don't think -- I think that's a
2 mischaracterization.

3 JUDGE STEINBERG: Well, it's two questions.

4 BY MR. ZAUNER:

5 Q Okay. What do you mean --

6 JUDGE STEINBERG: The first question is what do you
7 mean --

8 BY MR. ZAUNER:

9 Q -- what do you mean by the term employment services?

10 A In this case, employment services would be places
11 that we notified about job openings, colleges, universities.
12 Actual, actual employment agencies might be the right word.

13 Q You indicate "We contact the various employment
14 services and actively seek female and minority referrals."
15 Was that true for the license renewal period or only true for
16 the end of the -- that period?

17 A We contacted various sources throughout the license
18 period, never reject any female or minority referrals and
19 specifically toward the end of the license period we
20 specifically did that.

21 Q You indicate also in section four that "When
22 utilizing the media for recruitment purposes help-wanted
23 advertisements always included a notice that we are an equal
24 opportunity employer and contain no indication either explicit
25 or implied of a preference for one sex over another." Let me

1 call your attention to Attachment 9 to your testimony.

2 A Okay.

3 Q And I'm going to call your attention to the first
4 page of the classified advertising section there. Does that
5 page contain an ad on -- that was placed by KFUD?

6 A Yes, it does.

7 Q Would you identify that ad, please?

8 A First column, three from the bottom, general manager
9 KFUD-AM and KFUD-FM.

10 Q Does that ad indicate that KFUD is an equal
11 opportunity employer?

12 A No, it does not.

13 Q Can you tell us why it does not?

14 A Yes.

15 Q Would you?

16 A Yes. Because I placed the ad and I inadvertently
17 left it off of the ad.

18 Q Can I call your attention to page 3? And does that
19 page have an ad placed by KFUD?

20 A Yes, it does.

21 Q And does that ad state that KFUD is an equal
22 employment opportunity employer?

23 A No, it does not.

24 Q Can you tell us why that ad does not have such a
25 statement?

1 A It appears to be a direct copy of the previous ad on
2 page 1.

3 Q There's no date on this page. Do you know
4 approximately when this ad was run? Can you tell from the
5 preceding page?

6 A I would presume it would be either before --
7 probably after that ad.

8 Q Time-wise would it, would it have been around the
9 same time within a few weeks?

10 A Or a few months. One of the two, yeah.

11 Q And it is essentially a reprint of the previous ad?

12 A Appears to be, yes.

13 Q Let me call your attention to page 8.

14 A Okay.

15 Q Does this page have an ad by KFUD?

16 JUDGE STEINBERG: Can I help?

17 WITNESS: Yes.

18 JUDGE STEINBERG: Look in the middle column.

19 WITNESS: Yeah, I got it.

20 JUDGE STEINBERG: You got it?

21 WITNESS: Yeah. Okay. Thank you.

22 JUDGE STEINBERG: This was not a test of ad finding.

23 WITNESS: Yes, I see the ad.

24 BY MR. ZAUNER:

25 Q Does this ad --

1 JUDGE STEINBERG: Wait. It begins "Religious
2 station."

3 WITNESS: KFUO-AM.

4 JUDGE STEINBERG: Okay.

5 BY MR. ZAUNER:

6 Q Does this ad have an EEO statement?

7 A No, it does not.

8 Q Can you tell us why it does not?

9 A Trying to recall if I actually placed this ad. I
10 can't recall if I did or not, but it was inadvertently left
11 off of the ad.

12 Q Can you tell us around when this ad was placed in
13 "Broadcasting" magazine? I can't read the date at the bottom.
14 Counsel has --

15 MR. GOTTFRIED: We'll check it -- and we can give
16 you a date on the two of them, 2753 and 3009.

17 MR. ZAUNER: I can't hear you.

18 MR. GOTTFRIED: We'll check at lunch whether we can
19 give you dates on 2753 and 3009.

20 JUDGE STEINBERG: The two ones that you asked about?

21 MR. GOTTFRIED: Right.

22 MS. SCHMELTZER: For the record, Your Honor, there
23 are a lot of ads in there that don't have that in the ad for
24 one reason or another.

25 WITNESS: May I say one more thing?

1 MR. ZAUNER: Please.

2 WITNESS: One of the, one of the ways I developed
3 these ads was copying from other ads in this magazine. I'm
4 not offering that as an excuse, but that is how I did develop
5 these, these ads.

6 JUDGE STEINBERG: Let me ask -- you going to ask
7 anything about page 2 of this attachment?

8 MR. ZAUNER: No, I wasn't planning on it.

9 JUDGE STEINBERG: Okay. Look at page 2. There's a
10 typewritten letter that's signed by you. Is that correct?

11 WITNESS: Yes.

12 JUDGE STEINBERG: On the bottom, on the last line of
13 the indented material, it says, "And EOE, M/F." Tell us what
14 that means.

15 WITNESS: Equal opportunity employer, male/female.

16 JUDGE STEINBERG: And this was a letter that you
17 wrote for what purpose? Wrote to "Broadcasting" magazine --

18 WITNESS: Yes.

19 JUDGE STEINBERG: -- for what purpose?

20 WITNESS: To advertise for a general sales manager.

21 JUDGE STEINBERG: Okay. Mr. Zauner?

22 BY MR. ZAUNER:

23 Q Thank you. Let me call your attention to page 10.

24 A Okay.

25 Q Does KFUEO have an ad on this page?

1 A Yes.

2 Q And which ad is that?

3 A Okay. Page 10? Job opening -- it's the top right-
4 hand column.

5 Q And that's KFUD's ad?

6 A Yeah. Call 725-3030.

7 Q And that does state that you're an equal employment
8 opportunity employer.

9 A It does.

10 Q Let me call your attention to the next page,
11 page 11. Does KFUD have an ad on that page?

12 A Yes. Top, left column, receptionist/secretary.

13 Q Let me call your attention to the next page,
14 page 12. Does KFUD have an ad on that page?

15 A It does. Top, in the middle, custodial/office
16 maintenance.

17 Q I notice this -- I'm sorry. Let me withdraw that.
18 Let me call your attention to -- back to your testimony,
19 page 17.

20 A Okay.

21 Q When you say that you believe that the station's
22 financial ability and general efforts to recruit minorities
23 had increased over the license term. What was the connection
24 between the station's financial ability and its recruitment
25 efforts?

1 A During the early part of the license period KFUD,
2 both station operating noncommercially operated on limited
3 budgets and did not spend money excessively.

4 Q I'm sorry, I missed the last did not.

5 A Excessively spend money when it didn't have to.

6 JUDGE STEINBERG: Excessively.

7 BY MR. ZAUNER:

8 Q Well, how, how did the station's financial situation
9 affect the ability of the station to recruit minorities? Are,
10 are you saying that you couldn't afford the advertisements in
11 the -- in publications that would reach minorities?

12 A I'm saying that particularly in the early years
13 there was a perception that we should not money doing much of
14 anything.

15 JUDGE STEINBERG: Let me just ask generally, and
16 agree or disagree. Was the general attitude early in -- up
17 until the end of the license term, was the general attitude at
18 the station if we, if we have a vacancy and we can find an
19 employee to fill that -- qualified employee to fill that
20 vacancy without spending money, that that was the preferred
21 method of filling vacancies rather than if recruiting efforts
22 required the spending of money that you, you'd rather do the
23 first thing than the second? If that makes any -- does that
24 make any sense to you?

25 WITNESS: Yeah, I follow you, although I'll break it

1 up into in the early -- that would be more true in the early
2 part of the period than -- particularly from '86 forward we
3 did more advertising, we did more recruitment and we used more
4 sources.

5 JUDGE STEINBERG: And, and part of the reason for
6 that was the financial situation of the, of the stations? If
7 you disagree, you disagree.

8 WITNESS: Well, I don't know that it's so much that
9 we would use that -- we'd say that. It was a -- just a
10 greater effort to, to do it.

11 JUDGE STEINBERG: Thank you.

12 BY MR. ZAUNER:

13 Q I'm going to shift gears a little on you here.
14 During the license renewal period KFUD utilized the services
15 of a number of Concordia students in part-time status
16 positions. Why were these students utilized at the station?

17 A KFUD is located on the campus of Concordia Seminary.
18 It's since my days of employment there employed seminary
19 students as a training ground in radio, felt it was part of
20 their, part of their educational experience to become familiar
21 with radio, radio ministry things.

22 Q And during the time the students were in training
23 they did receive a paycheck. Is that correct?

24 A If, if we had the students we paid them, yes.

25 JUDGE STEINBERG: Was this done as part of courses

1 at the seminary or -- yeah, I'll leave it at that.

2 WITNESS: Throughout the years -- I mean the 70
3 years there were -- yeah, there were courses taught by people
4 -- in answer to his question, it was more of a training,
5 internship --

6 JUDGE STEINBERG: OJT type of thing?

7 WITNESS: -- mentality. Correct.

8 JUDGE STEINBERG: Meaning on-the-job training.

9 WITNESS: On-the-job training.

10 BY MR. ZAUNER:

11 Q Let me call your attention to your Exhibit 4,
12 Attachment 7, and it's page 17. And this is part of an
13 opposition to petition to deny in response to inquiry that was
14 filed with the Commission on February 23rd, 1990 by Arnold &
15 Porter on behalf of the Lutheran Church/Missouri Synod.

16 JUDGE STEINBERG: Just to clarify, is it the
17 page 17 that's stamped on?

18 MR. ZAUNER: It's the stamped page 17, yes.

19 JUDGE STEINBERG: Okay.

20 MR. ZAUNER: It's the documents page 12.

21 JUDGE STEINBERG: Okay.

22 WITNESS: Okay.

23 BY MR. ZAUNER:

24 Q At the bottom of page 12 it stated that "The lack of
25 consistent leadership has increased the difficulties in

1 maintaining, maintaining a consistent recruitment program."
2 Can you tell us how the problem with leadership has increased
3 the difficulties? And we're talking here about in the '83 to
4 '89 time period which is the renewal time period.

5 A I can attempt to do that, yes. Stations had -- from
6 '83 to '89 had a number of different managers. It had
7 managers for both stations simultaneously, it had managers for
8 separate stations and for a portion of the time frame it had
9 vacancies in either/or both positions. When managers were
10 hired, the survival of the station and the financial well-
11 being of the station and the programming of the station were
12 more of a focus to them than it was to make sure that the EEO
13 program was completely up to speed and adhered to. When you
14 have different people come and going the focus is lost.

15 Q I'm sorry, I missed the --

16 JUDGE STEINBERG: When you have different people
17 coming and going the focus is lost.

18 MR. ZAUNER: Your Honor, I've got a number of
19 questions here that I've already covered in the course of my
20 examination and so I'm taking a few seconds here to sort of
21 eliminate --

22 JUDGE STEINBERG: Flip away. Let the record reflect
23 Mr. Zauner is flipping pages. I love to see that, by the way.

24 MS. SCHMELTZER: Do you want to go off the record?

25 BY MR. ZAUNER:

1 Q No, I'm, I'm -- I have -- ready to resume with a
2 question. You testified earlier that there -- and yesterday
3 that there were some postings at the international center.
4 Were those postings for all positions or were they only for
5 posting -- the posting of positions that, that Lutheran
6 background was desirable for?

7 A Those were for all positions.

8 MR. ZAUNER: Your Honor, why don't we go off the
9 record for just a few more minutes? I, I think I may be --
10 may have covered what I wanted to cover --

11 JUDGE STEINBERG: Okay. We'll go off the record and
12 then you can, you can confer and then --

13 MR. ZAUNER: Us all sitting here quietly while I
14 look --

15 (Whereupon, off the record.)

16 (Whereupon, on the record.)

17 JUDGE STEINBERG: Okay. We're back on the record.
18 Mr. Zauner?

19 MR. ZAUNER: The Bureau has no further questions.

20 JUDGE STEINBERG: Okay.

21 MS. SCHMELTZER: And the Church has no redirect.

22 MR. HONIG: Your Honor, I have brief recross on one
23 point on which Mr. Zauner did what amounted to direct.

24 JUDGE STEINBERG: Well, there's, there's no direct
25 and so there's nothing to recross about.

1 MR. HONIG: There, there -- Your Honor, there was a
2 series of questions asked concerning NAACP Exhibit 3 which
3 were --

4 JUDGE STEINBERG: Which exhibit?

5 MR. HONIG: NAACP 63 on which Mr. Zauner essentially
6 conducted redirect on my cross and I would like to have brief
7 recross as to those matters. One rare instance when Mr.
8 Zauner will build his adversarial function and I have two or
9 three questions to button up that one point.

10 JUDGE STEINBERG: I don't think that -- he was
11 crossing on your cross. You brought out information, and I
12 let you over objection bring out information on Exhibit 63 --
13 NAACP Exhibit 63. And he was cross-examining on the material
14 that you cross-examined on and --

15 MR. HONIG: Except, Your Honor, that it wasn't
16 cross. It was the same questions which I would have
17 anticipated counsel for KFUD to have asked, they were not --
18 they were asked -- they were not asked in a leading form, it
19 went to --

20 JUDGE STEINBERG: Well then -- and basically, what
21 you're saying is that anything that Mr. Zauner says is in
22 essence redirect.

23 MR. HONIG: No. Only this point --

24 JUDGE STEINBERG: Well, what, what questions do you
25 want to ask?

1 MR. HONIG: What I want to ask --

2 JUDGE STEINBERG: Because what Mr. Zauner said --
3 Mr. Zauner -- never mind. Just, what questions do you want to
4 ask?

5 MR. HONIG: Yeah. Mr. Zauner asked whether the, the
6 attributes identified on these forms had been attributes that
7 were asked of applicants before 1990. The question that I
8 wanted to ask was whether these attributes were ever asked and
9 scored either in writing or orally before 1990 or
10 subsequently. That's my only question.

11 MS. SCHMELTZER: It's irrelevant. It's irrelevant.

12 JUDGE STEINBERG: Whether -- in other words --

13 MR. HONIG: The thing --

14 JUDGE STEINBERG: Okay. Now, now, Mr. Stortz's
15 testimony if I remembered it correctly was he interviewed one
16 individual for a receptionist position. Is that correct,
17 Mr. Stortz?

18 WITNESS: Two for the -- two individuals at the same
19 time. I believe --

20 JUDGE STEINBERG: Okay.

21 WITNESS: -- one was a receptionist and one was the
22 maintenance.

23 JUDGE STEINBERG: Okay, and the things that
24 Mr. Zauner asked you about you considered or you didn't
25 consider, the attributes? Is that correct? Some of them you

1 said yes, you considered, some of them you said no, not really
2 or you don't remember, I think. Whatever the transcript says.

3 WITNESS: I believe that's correct.

4 JUDGE STEINBERG: Okay. Honig wants to know did you
5 score these?

6 WITNESS: That's right.

7 JUDGE STEINBERG: Did you score these.

8 MS. SCHMELTZER: I don't know what to score means.

9 MR. HONIG: In the sense that they were written down
10 with numbers from 1 to 10 and then put on a form and so the
11 scoring --

12 JUDGE STEINBERG: Well, he already -- he said there
13 was no form, correct?

14 WITNESS: Correct.

15 JUDGE STEINBERG: You said that the individual,
16 Ms. Berger who, who had personnel background was more
17 comfortable using this type of format. But you didn't use any
18 kind of form?

19 WITNESS: Other than --

20 JUDGE STEINBERG: What do you mean other than --

21 WITNESS: Other than --

22 JUDGE STEINBERG: Oh no, no, when you interviewed
23 the two people.

24 WITNESS: I'm sorry. Correct.

25 JUDGE STEINBERG: Yeah, he didn't use any form so

1 you didn't score them.

2 WITNESS: Correct.

3 MR. HONIG: But --

4 JUDGE STEINBERG: That's the answer to your one
5 question. He didn't score them.

6 MR. HONIG: The question though was not whether he
7 scored, but whether the station before 1990 scored people.

8 JUDGE STEINBERG: He -- Mr. Zauner's question went
9 to questions -- a series of questions, and if I'm wrong
10 correct me. Don't be afraid to correct me. It went to the,
11 the two individuals that Mr. Stortz personally interviewed.
12 And so the extent there was redirect, if we, if we are very
13 liberal and call that redirect, then you've now recrossed on
14 his redirect -- and going with the station practices
15 generally.

16 MR. HONIG: No, it did.

17 JUDGE STEINBERG: It did not, Mr. Honig. Your
18 question has been asked and answered. That's it. It is
19 correct.

20 MR. HONIG: Mr. Zauner's questions asked before 1990
21 did you -- did the station go into -- did it consider
22 punctual, good appearance and so forth.

23 JUDGE STEINBERG: Okay. Then there came, then there
24 came a point in time when Mr. Zauner -- when the witness said
25 basically that he only interviewed the two people and the

1 answers that he gave related to the two people and not station
2 policy. Is that what you said, Mr. Stortz?

3 WITNESS: I believe that's correct, yes.

4 JUDGE STEINBERG: It started off that way and then
5 Mr. Stortz clarified it and said this is what I did with the
6 two people. Anybody want to add --

7 MR. HONIG: I don't think it's right but I'll just
8 write findings on it.

9 JUDGE STEINBERG: Okay. You write whatever findings
10 you want on it. Anybody want to comment on that? That's the
11 way I remembered it. Maybe at the time that this was brought
12 out you were otherwise occupied.

13 MR. HONIG: No, it's in the record. I'll just write
14 findings on it.

15 JUDGE STEINBERG: Okay. I can't see --

16 MS. SCHMELTZER: 25 to 1:00.

17 JUDGE STEINBERG: Quarter to 2:00? Off the record.

18 (Whereupon, a recess was taken for lunch from 12:35
19 p.m. until 1:45 p.m.)
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21
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25

1 A F T E R N O O N S E S S I O N

2 JUDGE STEINBERG: Mrs. Schmeltzer?

3 MS. SCHMELTZER: The Church calls Reverend Paul
4 Devantier to the witness stand.

5 JUDGE STEINBERG: Reverend Devantier, would you
6 raise your right hand, please? Actually, you could probably
7 -- okay, please be seated and please state your name, address
8 and telephone number for the record.

9 WITNESS: Paul Devantier, 1333 South Kirkwood Road,
10 St. Louis, Missouri. My telephone number is Area (314) 965-
11 9000.

12 JUDGE STEINBERG: Okay. Now, let me just ask, ask
13 you. You've been present throughout virtually all of the
14 testimony that's been taken in this case so far. Is that
15 correct?

16 WITNESS: That's correct.

17 JUDGE STEINBERG: Okay. At the most you, you've
18 gone out of the room to take a break?

19 WITNESS: Right.

20 JUDGE STEINBERG: Okay. Mrs. Schmeltzer?

21 MS. SCHMELTZER: Yes. I would like to have marked
22 as Church Exhibit 7, the testimony of Reverend Paul Devantier.
23 This is a 12-page document including the declaration and there
24 are seven attachments.

25 JUDGE STEINBERG: The document described will be

1 marked for identification as Church Exhibit 7.

2 (Whereupon, the document referred to
3 as Church Exhibit No. 7 was marked
4 for identification.)

5 Whereupon,

6 Reverend PAUL DEVANTIER

7 under penalty of perjury, was called as a witness herein and
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. SCHMELTZER:

11 Q Reverend Devantier, do you have a copy of Church
12 Exhibit 7 in front of you?

13 A Yes, I do.

14 Q Do you have any changes or corrections to your
15 testimony?

16 A No, I do not.

17 Q Is your testimony true and correct to the best of
18 your knowledge, information and belief?

19 A Yes, it is.

20 MS. SCHMELTZER: Your Honor, I would move the
21 receipt of Church Exhibit 7.

22 JUDGE STEINBERG: Mr. Honig?

23 MR. HONIG: First, may I have voir dire?

24 JUDGE STEINBERG: Yes.

25 VOIR DIRE

1 BY MR. HONIG:

2 Q Reverend Devantier, good afternoon.

3 A Good afternoon.

4 Q Who wrote your testimony?

5 A I worked with the attorneys in constructing the
6 testimony.

7 Q Did, did you do a first draft yourself?

8 A No, I did not.

9 JUDGE STEINBERG: Please try and keep your voice up
10 because Ms. Laden is having trouble hearing you.

11 BY MR. HONIG:

12 Q Now, you're aware are you not that there was a tape
13 recording made by Tom Lauher of a meeting that he had
14 May 23rd with my clerk, Michael Blanton. Have you heard that
15 tape?

16 A No, I have not.

17 Q Have you seen a transcript of that tape?

18 A No, I have not.

19 Q Has either the contents of the tape or the
20 transcript been described to you by any person?

21 A No.

22 MR. HONIG: Excuse me one moment. Okay. I have no
23 further voir dire. Bureau counsel wants to have voir dire
24 before I get into particular objections. Your Honor, would
25 this be the time?

1 JUDGE STEINBERG: No, just do your objections and
2 then we'll ask Ms. Laden if she's got any.

3 MR. HONIG: Okay. First, I have no objection to
4 paragraphs 1 and 2. I -- my first objection is to the first
5 sentence of paragraph 3 which I'm, which I'm objecting to
6 based on relevancy.

7 JUDGE STEINBERG: Let me just --

8 MR. HONIG: As well as it being opinion.

9 JUDGE STEINBERG: Okay. Let me just tell you that
10 the first section of -- the first part of section B of
11 Reverend Devantier's testimony I, I basically view as
12 background material. It goes into the format of the station,
13 the missions of the station, a little bit of Lutheran doctrine
14 as to the place of music in, in the mission of the Lutheran
15 Church, etc. I -- I'm not going to say I know, but I'm pretty
16 sure you're going to object to all that.

17 MR. HONIG: Right.

18 JUDGE STEINBERG: And I just want to let you know
19 that I, I consider this background material and I'm inclined
20 to leave it in. So, specifically, it also tends to establish
21 the background and the state of mind of this particular
22 witness in terms of, of his view of what the radio stations'
23 mission is in, in light of, of Lutheran Church practices,
24 whatever the word is, if you know what I mean. So, I, I think
25 it, it should be left in so I'll overrule the objection. And